



STATE OF DELAWARE
STATE FIRE PREVENTION COMMISSION
DELAWARE FIRE SERVICE CENTER

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1463 CHESTNUT GROVE ROAD
DOVER, DELAWARE 19904

STATE FIRE PREVENTION COMMISSION

Monthly Meeting

July 18, 2006

MEMBERS PRESENT

Kenneth H. McMahon, Chairman
W. (Bill) Betts, Jr., Vice Chairman
Francis J. Dougherty
Marvin C. Sharp
Raymond T. Stevens
Bob Ricker

Mike Kernan, Director State Fire School
Grover Ingle, State Fire Marshal
E. David Bailey
Sherry Lambertson, Executive Secretary

GUESTS

Richard R. Ward, Assistant State Fire Marshal
R.T. Leicht, S.F.M.O.
Kim Robinson, D.S.F.S.
Alan Robinson, Jr., D.V.F.A.
Ross Megargel, M.D., O.E. M.S.
Kenny Pyle, D.V.F.A.
Mark Sheridan, Laurel Fire Department
Gerald Brown, Laurel Fire Department
Bill Satterfield, Delmarva Poultry Industry, Inc.

CALL TO ORDER

Chairman McMahon called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

REGULAR SESSION

APPROVAL OF JUNE 20, 2006 COMMISSION MEETING MINUTES

It was moved by Commissioner Dougherty, seconded by Commissioner Stevens that the minutes of the June 20, 2006 Commission meeting be approved as amended. Motion carried unanimously. Commissioner Ricker recused himself from voting due to his absence at the June meeting.

CALL FOR ADDITIONAL AGENDA ITEMS

Chairman McMahon called for additional agenda items. No items were added. It was moved by Commissioner Sharp, seconded by Commissioner Ricker to approve the agenda. Motion carried unanimously.

REPORT OF THE STATE FIRE MARSHAL

Agency's Activity for the month of June is as follows: investigations 81– (criminal 31– /accidental 40– undetermined 10–); arrests 9–; inspections 981– (health care 4–/deputy 153/tech services –340 “QAP-484”); complaints-54; plan reviews 459–; PRUF revenue collected (June) \$181,223 year to date \$2,340,538; total overtime hours worked (enforcement) 237.5–; time off in hours (Deputies) 588.0 (vacation 300.0– /compensatory leave 106.0– /sick leave 47.0– /holiday 135.0– /compassionate 0.0)

Personnel Issues

Richard Perillo has been hired for the Deputy Fire Marshal I position in Kent County. He will begin work on Monday, July 24th.

Linda Tosh has been promoted to Administrative Officer in the Kent County Office. Mrs. Tosh's Executive Secretary position was vacant due to the in-house promotion and permission was previously granted to advertise and hire for the vacancy. Karen Virdin has been promoted in-house to fill this vacancy effective July 12th.

Lou Ann Floyd has been hired for the Office Manager position in New Castle County. She will begin working on August 7th.

Personnel Issues cont.

Bob Borkowski is doing well with his recovery and he may return to work as early as September.

INFORMATIONAL ITEMS

DFIRS Update

The following fire companies are delinquent in DFIRS requirements.

- **New Castle County**

Belvedere	January – May
Holloway Terrace	May
Wilmington Manor	April & May

- **Kent County**

Clayton	May
Harrington	April
Hartly	May (partial)
Magnolia	May
South Bowers	May

- **Sussex County**

Blades	May
Delmar	May
Memorial	May

Hardwired Smoke Detectors

Asst. Fire Marshal Ingle reported that the hardwired smoke detector program is running well and they are still averaging six to eight per month. Contacts have been made with churches and civic organizations.

False Fire Alarms

Asst. Fire Marshal Ingle reported that the activity in this program remains the same. They are offering assistance to all of the fire companies and are frustrated with the response. Reporting will reduce the number of alarms in a district.

Kent County Office Water Issue/Well Issue

The water issue in the Kent County office remains to be a problem. The well failed another test and is being flushed out again to be retested. Water is being used from the Fire School until facilities management figures out the next step in this process.

NFPA Conference

Fire Marshal Preston is currently attending the NFPA 921 Committee meeting in Kansas City.

Fatal Fire

Asst. State Fire Marshal Dick Ward gave the commission a report of a fatal fire that took place on Wednesday, June 28th. The fire originated in the kitchen of a single family dwelling and reached the room directly above. The second floor room had an elderly invalid in bed. The neighbors alerted the callboard and no one was able to reach the victim in time. It is not clear yet if the smoke detectors were working. This is the fourth fire death of the year.

The Fire Marshal's Office is involved in another investigation that has turned out to be a homicide and not a fire death.

Newark Fire Marshal

Matt Schumacher has been hired as the Newark Fire Marshal. He will begin working August 7th. It is expected that he will do inspections as well as criminal investigations.

Jurisdictional Fire Marshal's Meeting

The quarterly jurisdictional fire marshal's meeting has been scheduled for Wednesday, July 26th in the New Castle Office.

FY 07 Budget

The Fire Marshal Office had a positive outcome from the FY 07 budget request. They received; \$50,000 for vehicle replacements in the general fund; one-time \$10,000 for juvenile referrals from Representative Ennis, Full-time Juvenile Fire Intervention Specialist position in general funds and Full-time Fire Protection Specialist in Special Funds, to deal with issues of Livable Delaware.

Mill Creek Fire Company

Saturday, July 22nd, Mill Creek Fire Company has a planned smoke detector program similar to what was done in Georgetown and Harrington. The Fire Marshal's office will participate with this event.

ACTION ITEMS

No report at this time.

FIRE MARSHAL/FIRE SCHOOL

No report at this time.

MISCELLANEOUS

No report at this time.

REPORT OF THE FIRE SCHOOL DIRECTOR

INFORMATIONAL ITEMS

Director/Staff Activity

The Fire School, in conjunction with the State Chiefs Association, conducted a "Government Goes to the Fire School" session at Dover on June 25, 2006. Four legislators attended.

Director Kernan, Steve Martin and Biff Newnam attended a Terror Conference at College Park. The Assistant Commissioner of the London Fire Brigade was the main speaker. The training was informative and educational.

Deputy Director Martin attended an IFSTA Conference in Oklahoma City, OK.

Sandy Hypes has developed an Avian Flu program for the Fire School. It has been reviewed by Dr. Ross Megargel. An hour of CEU's has been approved for this class as an in-service class by request. This class will be offered as a two-hour in-service class by request as well as added to the regular training calendar.

The forms have been completed for Proboard recertification. An inspection will be scheduled in the near future.

Director/Staff Activity cont.

The staff will be working on updates and rewriting courses during the summer months.

The annual report is in the process of being completed.

Maintenance Issues/Projects

The new smoke house fan has been set into place and the wiring will be completed soon.

Two new propane tanks have been replaced and set in place. A lot of concrete work has been done on the drill grounds. The gas pad is under construction; vehicle rescue got a new pad and new sprinkler pad. A truck prop is being fabricated and should be ready by Labor Day.

Food Contract

As of September 1st, the food contract expires at the Fire School. Four vendors attended the mandatory pre-bid meeting on June 21, 2006 and three ultimately submitted bid proposals on June 30th. The bid process has been suspended at the request of the Attorney General's Office until they render an opinion regarding the application of the State's set aside policy. Deputy Attorney General Hanley will work with the Fire School during this process.

Financial Update

The financial statement was included in the information furnished to the Commissioners. There is nothing out of the ordinary to report at this time.

The Fire School received a full-time Training Administrator position, restoring the position lost several years ago during budget cuts. SCBA replacement funds were received and funding for a new building to house trailers.

Upcoming Events

The State Fair will be worked by the Fire School and Fire Marshal Office. Sunday, July 23rd, the Delaware Trauma System will be hosting an emergency response event on the State Fair grounds.

Delaware Weekend at the National Fire Academy will be held Augst 5th and 6th with two other states. It has been advertised and reported at every meeting and only fourteen people have signed up.

FIRE MARSHAL/FIRE SCHOOL

State Fair

The Fire School will be joining the Fire Marshal's Office in their annual efforts at the upcoming State Fair.

Teleconferencing

All that participated in the teleconferencing session conducted by State Fire Marshal's Office agreed that it was well received.

ACTION ITEM

Items from Fire School Retreat

Director Kernan reviewed discussion and changes made to the Fire School policy manual at the Fire School staff retreat. He explained the rationale behind the recommended adjustment to the course offerings and schedule.

Commissioner Sharp made suggestions in reference to Training Administrators' uniform shirts. He thought they should be in white pleated shirts with gold badges at least during the students first few classes i.e. Basic Firefighting etc. Director Kernan asked that he be allowed to enforce the agreed changes and address Commissioner Sharp's suggestions in the future. Commissioner Sharp agreed.

Chairman McMahon addressed concerns with the telephone not being answered at the Fire School during the hours of 8:00 a.m. and 4:30 p.m. and the calls going to voice mail. He asked that the phone concerns be addressed immediately. Calls have not been answered from the public and commissioners. Director Kernan felt that these problems were before the new phone system was installed. The Director assured the Chairman that the phones are always staffed during the hours the School is open for business.

It was moved by Commissioner Ricker, seconded by Commissioner Dougherty to approve the minutes and suggestions from the staff retreat. Motion carried unanimously.

DuPont Plan

Director Kernan stated that DuPont does not work with the Fire School in the same depth as in previous years, yet the Fire School continues to give them funding. NFPA 472 – Hazardous Materials has changed. The Fire School is re-evaluating the relationship between DuPont and the school to see if it is still worthwhile or needs to be modified. A meeting has been scheduled to discuss it.

Lesson Plan Updating

Director Kernan reported that he has asked his staff to use the part-time instructors to rewrite lesson plans for the Training Administrators as needed with approval from him.

Equipment/Building Security

The Fire School is looking into building security.

Part-time instructors will be assessed a charge for equipment that is lost or stolen while in their possession if they are deemed to be negligent. The state is self-insured and the Fire School does not have an avenue to replace the equipment if lost. As an employee, the part-time instructor is expected to be reasonably responsible.

Evaluation Procedures

Director Kernan has instructed his training administrators to do evaluations on part-time instructors.

MISCELLANEOUS

Mike Lowe's Fire Safety activity report was furnished to the Commissioners.

Kim Robinson gave the commission a report on the Risk Watch Annual Report.

REGULAR SESSION

REPORT OF DEPUTY ATTORNEY GENERAL

Court Judgments

Deputy Attorney General Hanley reported on two court case orders that were returned to the Fire Commission.

Court Judgments cont.

- The Commission denied the request from Richardson Park United Methodist Church for a variance from the requirements of DSFPR V, 1-15.1. Superior Court reversed the Commission's decision because it was felt the Commission made no finding that granting the Church a variance would create a "substantial detriment to public safety".
- The Commission ruled in favor of Cheswold Fire Co. verses City of Dover Fire Company during an annexation boundary hearing. Superior Court reversed the Commission's decision and gave the annexed property to the City of Dover Fire Company.

ACTION ITEM

Delmarva Poultry Industry, Inc.

Mr. Bill Satterfield appeared before the commission to discuss progress being made on the memorandum of understanding signed on June 24, 2005. This MOU was intended to raise the level of awareness and promote residential fire prevention and fire safety education among persons working in Delaware's broiler chicken industry. Mr. Satterfield stated that nothing has been done to date due to time and energy being spent on the prevention and protection from the Avian Flu. He stated that because of the commission's letter, things are now in motion. He asked for direction from the commission to get a program started. Commissioner Ricker and Commissioner Magee will work with Mr. Satterfield on this project.

Laurel Fire Company

Laurel Fire Company gave a presentation to the Commission in reference to current and future growth in the Laurel Delaware area. Mark Sheridan had an impressive comprehensive plan for the company. Laurel Fire Company requested an extension for a current running temporary station. They expect to begin the process of building a new substation within the next 18 to 24 months.

It was moved by Commissioner Ricker, seconded by Vice Chairman Betts to grant Laurel Fire Company the ability to continue to conduct the temporary fire station for 24 months at which time they can come back to the commission and give us an update of where they stand. Motion carried unanimously.

BLS Medical Director

Dr. Bailey, BLS Medical Director reviewed the proposed Delaware Basic Life Support Standing Orders. The Commission had several comments on this draft. There were long discussion and concerns with some of the proposed changes. Dr. Bailey will review the concerns with the medical directors and bring the next draft to the Commission for review and approval.

Dr. Bailey will work with the Fire School on an Avian Flu curriculum.

House Bill 519

Chairman McMahon explained House Bill 519 and gave the Commission an update. This Act would allow ambulances and/or ambulettes owned by a harness or horse-racing track which is licensed under 3 Del.C. § 10121 to transport an injured driver/jockey to the nearest hospital or emergency center. HB 519 is currently tabled until further investigation is done.

Consideration of the Proposed Regulations

The Commissioner's discussed the proposed changes of the SFPC Regulations along with Deputy Attorney General James Hanley. No objections were made at the public hearing.

Adoption and Final Order for Proposed Regulations

It was moved by Vice Chairman Betts, seconded by Commissioner Ricker to adopt the proposed regulations as presented at the public hearing. Motion carried unanimously.

It was moved by Commissioner Sharp, seconded by Commissioner Ricker to enter into Executive Session for personnel issues. Motion carried unanimously. The Commission entered Executive Session at 11:39 a.m.

EXECUTIVE SESSION

It was moved by Commissioner Ricker, seconded by Vice Chairman Betts to go out of Executive Session. Motion carried unanimously. The Commission exited the executive Session at 11:42 a.m.

REGULAR SESSION

Fire Marshal Personnel

It was moved by Commissioner Ricker, seconded by Vice Chairman Betts to authorize the Fire Marshal to advertise and hire for the Office Manager position in Kent County. Motion carried unanimously.

It was moved by Commissioner Ricker, seconded by Vice Chairman Betts to give the Fire Marshal authorization to hire Gary Long as a Fire Protection Specialist. Motion carried unanimously.

Commissioner's Sharp and Dougherty recused themselves from the vote.

REGULAR SESSION

It was moved by Commissioner Ricker, seconded by Commissioner Sharp to enter into Executive Session for personnel reasons. Motion carried unanimously. The Commission entered Executive Session at 12:39 p.m.

EXECUTIVE SESSION

It was moved by Vice Chairman Betts, seconded by Commissioner Sharp to go out of Executive Session. Motion carried unanimously. The Commission exited the executive Session at 1:13 p.m.

REGULAR SESSION

ACTION ITEM

Strategic Plan

Chairman McMahon will work on the strategic plan and present it to the commission.

Annual Report

Chairman McMahon will work on the annual report and present it to the commission.

REGULAR SESSION

GENERAL INFORMATION

No report at this time.

CORRESPONDENCE

No report at this time.

MISCELLANEOUS INFORMATION

No report at this time.

REPORT OF THE COMMISSIONERS

Chairman Kenneth H. McMahon

Chairman McMahon reported that he attended the Monthly Fire Prevention Commission Meeting, IAFC Hazmat Conference, NFPA Meeting in Orlando, Strategic Planning Meeting at Dover Armory, State Fire Chief's Meeting, Legislators at Fire School Day and Tele-Conference at New Castle FMO for new regulations.

Commissioner Marvin Sharp

Commissioner Sharp reported that he attended the Monthly Fire Prevention Commission Meeting, Kent County Firemen's Association Meeting and Sussex County Firemen's Association Meeting.

Commissioner Francis J. Dougherty

Commissioner Dougherty reported that he attended the Monthly Fire Prevention Commission Meeting, Brandywine Hundred Fire Company Meeting, New Castle Chief's Meeting, Fire Marshal Interviews in Dover and New Castle County Firemen's Association Meeting.

Vice Chairman Willard Betts, Jr.

Vice Chairman Betts reported that he attended the Monthly Fire Prevention Commission Meeting and Kent County Chief's Meeting.

DATE OF NEXT MEETING

August 15, 2006
Commission Chamber
Delaware Fire Service Center
1463 Chestnut Grove Road
Dover, DE 19904

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ADJOURNMENT

It was moved by Commissioner Vice Chairman Betts, seconded by Commissioner Dougherty that the meeting be adjourned. Motion carried unanimously. The meeting was adjourned at 2:29 p.m.

Respectfully submitted,

Sherry R. Lambertson
Administrative Specialist

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